

LIGHT ON HOOKER'S METHODS.

REQUESTED ANOTHER JUSTICE TO GRANT AN ORDER FOR HIM.

It forbade the City of Dunkirk to build on its own land because it would shut off light from Hooker's building—Order Voted Later by Same Judge.

ALBANY, March 24.—At the resumption this morning of the investigation into the charges against Supreme Court Justice Warren B. Hooker, before the Assembly Judiciary Committee, Attorney Coman, who is conducting the investigation, offered as evidence a certified court order which will be of great importance. It is a judgment secured against the city of Dunkirk by Charles Wirtzner. Its importance is in the fact that it was secured without the city of Dunkirk having notice that such a suit was to be brought.

It was a judgment restraining the city of Dunkirk from erecting a building on its own property. Unfortunately for the city, it also enjoined the property owner jointly by Justice Hooker and State Tax Commissioner Lester F. Stearns, and the erection of a fire wall by the city of Dunkirk was proposed, would shut off some light from the Hooker-Stearns building, which was rented to the Government for a post office. The new building would also tend to decrease the value of the Hooker-Stearns building.

The judgment was granted by Supreme Court Justice White, sitting in Chautauque county, Judge Hooker's home. The feeling this judgment aroused was such that the people benefited became frightened and had the order vacated at a special term at Buffalo, in November, 1894. Another piece of evidence was the stipulation disallowing the action, and this was signed by Justice Hooker and Lester F. Stearns.

Judge Hooker listened to the reading of the documentary evidence with his head bowed the greater part of the time.

Supreme Court Justice Truman C. White, of the Eighth Judicial District, who granted the order, was the first important witness called. Justice White is a resident of Buffalo. He was asked if he remembered the case referred to and said he did.

"Who called your attention to this matter?" he was asked.

"Judge Hooker called my attention to it," he replied.

"State what you know about that?"

"In substance, my recollection is that he said to me that there was a case coming down from Dunkirk in which he was personally interested, and asked me to hear it. I will state that at that time I was not holding the regular special term in Chautauque county. My recollection of it is that Mr. Hooker was holding the regular special term there at the time. He told me that he didn't think there would be any substantial content to the case in the court."

"Who was in court on that day?"

"Mr. Stearns was there."

The witness testified that he drew a stipulation setting aside the order he had granted. He added:

"Mr. Stearns stated to me that the parties in the case were substantially agreed."

"What did you do later in the matter?"

"After learning what I believed to be the facts, I wrote to Arthur C. Wade and he came to see me in Buffalo. I told him that from the best information I had, I had concluded that the litigation should not have been disposed of as it had been. In justice to myself and Justice Hooker, I told him that the best way was to vacate the whole proceedings and clean up the case."

"Was it a considerable time after you spoke to him about it that the proceeding was vacated?"

"Yes, it was. Mr. Wade told me that George C. Towne would take care of the matter."

"Did Mr. Wade ever speak to you about conversations with Judge Hooker about this case?"

"I had spoken more than once to Mr. Wade about conversations he had had with Mr. Hooker."

The same question was asked in regard to Mr. Towne, and the witness made the same answer.

The litigation was begun in January, 1900, but the order vacating the proceedings was not signed until November, 1904.

Judge White had a number of letters from Mr. Wade which Mr. Coman wished to introduce as evidence. Judge White considered them confidential, and the committee refused to receive them.

On cross-examination by John B. Stanchfield, Justice White was asked if witnesses were not sworn and findings and facts submitted to him.

"Oh, yes, but as I have already stated, I was not paying as much attention to it as I should have."

"Did you pay any attention to the character of the act sought to be accomplished?"

"I am sorry to say I did not."

The answer did not please Mr. Stanchfield and he moved to have it stricken out. The answer remained, however.

Mr. Stanchfield tried to get the witness to say that the reason he wanted the judgment vacated was because he thought it would act to the detriment of the city of Dunkirk.

"By no means," said Justice White. "My own conscience suggested to me that it was an improper judgment. I didn't believe it was right. I also believed it compromised my own reputation."

Justice White declared that he did not give the matter of the judgment as close attention as he should have, and the statements made that the facts had been agreed upon before the case was brought to him. No one had appeared in court and asked for the order vacating the judgment, but witness said he had vacated it, dictating the order himself.

Judge Coman asked Justice White what other motives induced him to vacate the judgment, aside from the fact that he was convinced it was for the interest of the city of Dunkirk.

Judge White felt, as I have said, that the judgment as it stood might compromise me as a justice of the court."

"Was one of the motives developed through your learning that the answer

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PREPARED BY
J. H. Lyon, D.D.S.

of Stearns and Hooker in the suit had never been served on the city officials.

I came to the conclusion after learning that and other facts that I could not afford to have the matter stand.

Did you not have conversation with Mr. Wade after the making of the Bristol report, and the comment is raised regarding the operation of the post offices at Dunkirk and Fredonia?

"I think it was at that time."

Frederick E. Green, cashier of the Fredonia National Bank, was recalled. Green was called to prove that the deposits made by Frank B. Ball at the Fredonia National Bank were in great part made up of checks signed by the postmaster and generally coincided in time and amount with the payments made by Ball toward the liquidation of the notes to Mrs. Hooker, of which he was the maker. In bringing out this testimony, Attorney Frank Stearns, of the committee declared that it had not been proved that Ball did not borrow money directly from Mrs. Hooker. This statement brought the entire array of Hooker's counsel to their feet in wrath.

"You know well," shouted Mr. Carr, "that Ball never borrowed a cent from Mrs. Hooker. You know that the statement that you made is not true."

Mr. Carr next moved that all evidence bearing upon the Ball note after September, 1900, be excluded from the case.

The objection was overruled, and Green went on to prove the sequence between the post office checks drawn to Ball's order and the coincident payment upon the note.

In response to a question from Mr. Carr, Mr. Green said that the check drawn to Ball in 1900 was in the sum of \$3,000, and that it was in serious financial straits at the time the Fredonia Bank consented to take up the check to the face value of nearly \$30,000 in liquidation of all the paper then outstanding against his wife.

William Clark, postmaster at Fredonia and the last witness of the day, produced a check of \$3,000 which he had found on file in the post office when he assumed his duties there. But the most important document of all, the payroll of the post office during the term of A. R. Moore, was missing, and though he had hunted high and low for it, he said, not a trace of it could be found. The payroll, if discovered, would show the salaries paid by Moore to the persons Justice Hooker had appointed to places in the office and who drew pay for work they never performed. Among the documents submitted by Clark to the committee for subsequent filing in evidence were letters to the former postmaster of Fredonia from Perry S. Heath and J. M. Maclean, copies of which the subcommittee of the Judiciary Committee obtained at the Post Office Department in Washington.

WATER COMMISSION BILL.

Gov. Higgins Says It Will Be Amended So as to Place the Commission on Its Feet.

ALBANY, March 24.—Gov. Higgins conferred today at the Executive Chamber with William E. Curtis of the New York Aqueduct Commission and Prof. Burr, the consulting engineer of that Commission on the New York water question. Afterward the Governor said that they had discussed the various measures, and that there would probably be some amendments made to the State Water Commission bill. These amendments would be offered with the object of defining the Commission's duties a little more definitely, and in that way facilitating the work of getting an additional water supply for New York.

With reference to the statement that New York proposed to take half of Ulster county, as claimed by some of the Ulsterites, the Governor said he had gone over the maps with Messrs. Burr and Curtis, and that they had found that the city proposed to take only a square mile of the county's territory. The part to be taken would verge on a few little hamlets, but no place of importance.

When asked if he had changed his attitude on the taxation measures, the Governor said he had not. He thought that the situation with reference to the water bill as it had often been during his legislative experience, when the persons proposed to be taxed would put up a claim that some one else should be selected as the party to be taxed. The Governor left to-night for Olean to spend Sunday at his old home.

RAPID TRANSIT BILL AMENDED.

It Reduces Contractor's Bond—No Pipe Galleries in Tunnels.

ALBANY, March 24.—The Assembly Cities Committee to-day favorably reported the Burnett Rapid Transit bill after amending it in the most important particular. The bill originally contained a provision giving the commission the right to allow the construction of pipe galleries in tunnels. This provision has been eliminated from the bill. As amended the bill provides that the deposit of the contractor need not be \$1,000,000 if the contract is less than \$1,000,000, but that it must not be less than 10 per cent. of the contract.

The Premier Jury Disagrees.

ALBANY, March 24.—The jury in the case of Richard E. Pressner, charged with the murder of Miles McDonnell, the gambler, in this city last June, returned to the court shortly before 5 o'clock to-night and reported that it was unable to agree. Justice Haabrouck discharged the jury, whose deliberations had lasted forty-four hours, the case having been given into his hands on Wednesday night. The trial itself lasted seventeen days. It is reported that the jury stood ten for murder in the second degree and two for acquittal.

No Motivated "Star Spangled Banner" in the Public Schools.

ALBANY, March 24.—Assemblyman Tompkins today introduced a bill which has a bearing upon the recent controversy in regard to the "Star Spangled Banner." It provides that no text book which contains or shall contain a mutilated or emasculated version of the national anthem, the "Star Spangled Banner," shall be used or circulated in any public school in the State.

Bills Suggested by Gov. Higgins.

ALBANY, March 24.—Gov. Higgins has signed the following bills:

Senator Hill's amending the lien law by providing that if the lienor is a partnership or corporation the notice of lien shall contain the business address.

Mr. Murphy's making the State Commissioner of Education instead of the State Superintendent of Public Instruction a trustee of Cornell University.

Mr. C. W. Matthews' amending the agricultural law so as to prevent the adulteration of foods with methyl or wood alcohol in any of its forms.

GAS QUIZ IS TAKING SHAPE.

COUNSEL HUGHES OUTLINES HIS VIEWS OF THE INQUIRY.

He's Not Pro-Trust Nor Anti-Trust, and His Only Client Is the People—Great Offers Also—Stevens Says He'd Be Glad to Use the Aldermanic Chamber.

The gas investigators and their counsel, Charles E. Hughes, got busy yesterday. For the first time since the committee was appointed by the Legislature at Albany the scope of the inquiry began to take definite shape, and it really looked as though there was "something doing."

Apparently Mr. Hughes is in a deadly earnest. He seemed to be satisfied that the investigation was not ordered for political purposes and that the committee would never consent to be used to square the personal grievances of any man or set of men in public or private life.

"When I consented to act as counsel in this investigation," he said, "it was with the distinct understanding that I could not be called off at any stage by any political boss or organization leader. That was the bargain I made with the committee when the matter was broached to me, and I mean to stick by it. The investigation will be strictly non-partisan, and wherever it leads we will follow."

"I recognize but one client in this case—the people. I am not anti-trust in the sense that I go around making a continual profession of hostility to the great corporations. But I am not for them either in the sense that I would defend their conduct if I did not believe that they were acting fairly and squarely under the law. In a word, I do not believe in attacking capital as such; neither do I believe in defending it as such."

As a lawyer I never was connected with the lighting companies in any way. I have neither represented nor opposed them. The nearest I ever came to it was when my former law partner, Paul D. Cravath, was attorney for George Westinghouse, president of the United States Electric Light Company, in some litigation it had concerning the installation of its overhead wires. Our firm was then Carter, Hughes & Cravath, and technically we represented the United States company in the litigation. As a matter of fact, however, Mr. Hughes did nearly all the work, although I helped him a little on the details. All this occurred about fifteen years ago. Since then the United States company has been in the hands of the so-called trust. Mr. Cravath took Mr. Westinghouse's business when he left our firm. This was the extent of my connection with the lighting companies of the city."

Accompanied by Senator Page, a member of the committee, Mr. Hughes visited Comptroller Grout in his office yesterday. As soon as Mr. Grout heard of Mr. Hughes's appointment he offered to give him all the information in possession of the Finance Department bearing on the lighting situation. In the course of the conversation, Grout gave Mr. Hughes the names of several experts who, he said, would undoubtedly be able to give the committee data which would enable them to fix the exact cost of the production of gas and electric light.

Mr. Grout also presented to the committee a copy of the testimony taken in his own recent investigation into the same subject. Afterward Mr. Hughes and Senator Page spent some time in the bureau of franchises looking into the question which the electric light and gas companies had formerly made with the city.

Senator Stevens, the chairman of the committee, called on Mr. Hughes yesterday and talked with him about the quarters in which the public sessions will be held. Although not of the same political faith, Senator Stevens is a good friend of the Mayor. After being escorted to the Aldermen's chamber by Mr. McClellan he said he would accept it for the sessions of the committee and that the adjournments would be taken over those days on which the board met. The regular weekly meeting for the Aldermen is Tuesday.

No subject of the embargo took the document to the Mayor. After being escorted to the Aldermen's chamber by Mr. McClellan he said he would accept it for the sessions of the committee and that the adjournments would be taken over those days on which the board met. The regular weekly meeting for the Aldermen is Tuesday.

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For occasional or habitual constipation.

As a safe, ordinary, and gentle laxative.

To relieve the kidneys.

In bilious attacks and disorders of the liver.

For improving the complexion.

For persons inclined to inflammation, congestion, and gouty or rheumatic disorders.

In fatty degeneration of various organs.

Against undue deposition of fat in general, and the evil consequences of indiscretion in eating or drinking.

ORDINARY DOSE:
A Wineglassful before Breakfast.

CHEAP, EFFECTIVE, PALATABLE.

MEXICAN AMBASSADOR DEAD.

STEADILY SANK YESTERDAY UNTIL THE END CAME.

He Was a Distinguished Statesman and Soldier in His Own Country and One of the Ablest Diplomats in Washington—Decorations by Foreign Monarchs.

WASHINGTON, March 24.—Senor Don Manuel de Aspiroz, Ambassador Extraordinary and Plenipotentiary from Mexico to the United States since 1890, died here this afternoon at 4:45 o'clock. The direct cause of death was gastritis, which was complicated by advanced years and a severe attack of the grip contracted on inauguration day at the Capitol. His colleagues of the Diplomatic Corps and his friends in Washington were greatly surprised when it was announced yesterday that Senor Aspiroz could not live more than a few days. Last night the distinguished diplomat sank steadily and throughout to-day grew gradually weaker until the end came. The Mexican Government was immediately informed by telegraph, and a message was sent personally to President Diaz.

Senor Aspiroz was a most distinguished statesman and soldier in his own country and one of the best liked and ablest members of the Diplomatic Corps in Washington. His last official act was performed on Monday, when he signed a treaty with the United States concerning the boundary line between the two countries. The treaty had been prepared and was at the State Department ready for the signatures of the Secretary of State and the Mexican Ambassador, but the Ambassador was unable to leave his bed. Accordingly a secretary of the embassy took the document to his bedside, where, propped up by pillows, the aged diplomat wrote his name for the last time officially.

On state occasions Senor Aspiroz wore three decorations, all presented to him by foreign monarchs in recognition of his diplomacy and ability as a statesman and his services as a soldier. He had the rank of commander in the military order of Jesus Christ of Portugal, and in 1902 the Shah of Persia presented to him the decoration of the second class of the Order of the Lion and Rising Sun in token of his services in negotiating a treaty between Mexico and Persia. Only a few weeks ago the Dowager Empress of China decorated Senor Aspiroz with the insignia of the Order of the Dragon.

For my countrymen and in my own name I offer heartfelt condolence upon the death of Ambassador Aspiroz.

THEODORE ROOSEVELT.

The Acting Secretary of State sent this message:

The American Embassy, Mexico:

The Government and people of the United States sincerely deplore the loss Mexico suffers in the death of the Ambassador, who was a man of high character and of the highest quality of mind.

ADRIAN, Acting Secretary.

Movements of Naval Vessels.

WASHINGTON, March 24.—The cruisers Minneapolis and Prairie have arrived at Newport News, the collier Hercules at Pensacola, the cruiser Yankee at Monte Carlo, the destroyer Macdonough at Havana, the collier Brutus at Port Said, and the cruiser De Moines and tug Osceola at Fort Lauderdale.

The cruiser Greenstien has sailed from Norfolk for Cuba, the destroyer Buick from Guantanamo for Pensacola, and the cruiser Raleigh from Cavite for Sandakan.

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